

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Karen N. Miller, et al.	:	
		Case No. C-1-00-403
Plaintiffs	:	
v.	:	District Judge Susan J. Dlott
Credit Counselors of Cincinnati	:	
Defendant	:	

**UNOPPOSED APPLICATION OF SPECIAL MASTER FOR APPROVAL OF BUDGET
FOR THE PERIOD**

JULY 8, 2003 THROUGH DECEMBER 31, 2004

(Proposed Order Attached)

Now comes Virginia Conlan Whitman, Special Master appointed by this Court, and seeks approval of a Budget for the Period July 8, 2003 through December 31, 2004. The requested Budget sets forth expenses already incurred by the Special Master in notifying the Class Members of the Class Action and Settlement, and processing Claims, as well as anticipated future expenses of the administration of this Settlement. Expenses already incurred are set forth in Attachment 1. Anticipated future expenses are set forth in Attachment 2. The total amount requested for administration of this Class Action Settlement is \$25,073.54. Letters from counsel signifying their agreement to this proposed Budget are attached in Attachment 3.

The proposed Budget presumes that the Special Master will distribute checks to Class Members some time in December 2003, so that she will be able to cancel telephone and other services by the end of January 2004. The Special Master, however, seeks approval of a Budget from the beginning of her work on this Settlement until year end 2004. Although the Special Master hopes to distribute the checks to Class members in the year 2003 if the Settlement is approved, the Settlement Fund will have to remain open for some period of time in the year 2004 to accept and pay on the checks issued, as well as to accommodate potential successful appeals from the Special

Master's decisions to reject certain Claims.¹ This will necessitate the filing of tax returns for the years 2003 and 2004. Thus, the Special Master and the accountants will have some work to do on this Settlement into the year 2005. In order to avoid a 2005 tax return, however, the Special Master will have to close the Settlement Fund account by year end 2004. She will, therefore, have to pay all fees and expenses associated with the filing of the tax return in the year 2004.

Moreover, the Special Master is requesting approval of all anticipated expenses so that she can determine the amount of money remaining to be distributed to the Class. If the Special Master has overestimated the amount of money needed to finalize this Settlement, the Settlement Agreement has a designated entity that is to receive any excess funds. In the event the Special Master is incorrect, and the Fund runs out of money before all of the expenses and fees are paid, she will agree to finish all work necessary without additional compensation.

With regard to the anticipated accountants' fee, Burke & Schindler has agreed to perform all accounting work for the Settlement, including the preparation and filing of tax returns for the years 2003 and 2004, for the total sum of \$4,600.00. Burke & Schindler (fka Burke & Co.) has performed all tax and accounting work for the Electronics / Accufix Class Action Settlement in this District, and is reliable and accurate. The Special Master specifically requests permission to enter into an Agreement with Burke & Schindler to retain it to perform the tax work at the stated price. As stated above, the tax return for the year 2004 cannot be prepared until the year 2005, so the Special Master anticipates, with the permission of the Court, paying Burke & Schindler its fee, before all of the tax work is completed.

Finally, the Special Master has deposited the settlement funds into a money market account backed by the full faith and credit of the United States. Periodically, she transfers money from the money market account into a checking account to pay bills. The Special Master requests that this Court approve said transactions and authorize her to make similar transactions in the future.

For the reasons set forth above, the Special Master hereby requests that this Court approve the proposed budget attached hereto, and grant her further requests for approval.

¹The Special Master's office has received 1,761 Claims to date. Of those, eight have been rejected: seven were filed beyond the November 14, 2003 deadline, and one other was submitted by an individual who is not a member of the Class.

Respectfully submitted,

/s/ Virginia Conlan Whitman
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Approved

/s/ Stephen R. Felson

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2003, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: James M. Moore, **LINDHORST & DREIDAME**, 312 Walnut Street, Suite 2300, Cincinnati, Ohio 45202, and Stephen R. Felson, 617 Vine Street, Suite 1401, Cincinnati, Ohio 45202.

S/ Virginia Conlan Whitman
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